



## HOUSE OF REPRESENTATIVES

H. No. 6363

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BY REPRESENTATIVES ZIALCITA, PRIETO-TEODORO, CHATTO, PINGOY,  
TEODORO, GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT  
NO. 2034

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AN ACT BANNING AND PROHIBITING THE USE, PURCHASE AND  
STORAGE OF ELEMENTAL MERCURY IN ALL PUBLIC  
AND PRIVATE SCHOOLS AND OTHER EDUCATIONAL  
INSTITUTIONS AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1           SECTION 1. *Short Title.* – This Act shall be known as the “Safe  
2           Schools Mercury Reduction Act of 2009”.

3           SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to  
4           protect its citizens from the effects of toxic chemical substances that present  
5           unreasonable risk and/or injury to health or the environment by prohibiting the  
6           use, purchase and storage of mercury and mercury instruments in all public and  
7           private schools and other educational institutions.

8           SEC. 3. *Elimination of the Use of Elemental Mercury.* – Except as  
9           otherwise provided in this section, no public or private school or educational  
10          institution in the country shall purchase, use or store any quantity of free  
11          flowing elemental mercury for any purpose, nor purchase, use or store any  
12          instrument which contains mercury including, but not limited to, thermometers,

1 barometers, sphygmomanometers and manometers. If no reasonably acceptable  
2 mercury-free alternative exists for any instrument prohibited under this Act, a  
3 school or educational institution may use such type of instrument as long as it  
4 contains the lowest mercury content readily available in the market.

5 SEC. 4. *Penalties.* – Any person or entity who shall violate any  
6 provision of this Act shall, upon conviction, be meted the penalty of not less  
7 than five (5) years of imprisonment or a fine of not less than One hundred  
8 thousand pesos (P100,000.00) but not more than One million pesos  
9 (P1,000,000.00) or both such imprisonment and fine, at the discretion of the  
10 court, if the violation resulted to injury to health.

11 In case of death, the penalties imposable under the Revised Penal Code  
12 shall be imposed upon the violators.

13 SEC. 5. *Implementing Rules and Regulations.* – The Secretary of the  
14 Department of Health, in consultation with the Department of Environment and  
15 Natural Resources, the Department of Education and the Commission on  
16 Higher Education, shall issue and promulgate the rules and regulations needed  
17 to implement the provisions of this Act which shall require public and private  
18 schools and other educational institutions in the country to dispose of or  
19 recycle any quantity of elemental mercury and instruments containing mercury  
20 in a manner which is least harmful to the environment and in accordance with  
21 prescribed international standards. The said agencies shall compile, produce  
22 and distribute to all public and private schools and other educational  
23 institutions in the country, materials explaining the hazards associated with the  
24 exposure to elemental mercury and the actions that may be taken to reduce  
25 such hazards.

26 SEC. 6. *Separability Clause.* – If, for any reason, any part of or  
27 provision of this Act is declared unconstitutional, such parts not affected  
28 thereby shall remain in full force and effect.

1           SEC. 7. *Repealing Clause.* -- Any law, executive order, letter of  
2 instruction, rule and regulation, circular, issuance or any part thereof  
3 inconsistent with any of the provisions of this Act is hereby repealed, modified  
4 or amended accordingly.

5           SEC. 8. *Effectivity.* -- This Act shall take effect fifteen (15) days after  
6 its publication in the *Official Gazette* or in any newspaper of general  
7 circulation.

Approved,

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